

FILED
U.S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
2002 JAN 15 A 9:51

JACK T. FISCHBACH :

CLERK'S OFFICE
AT BALTIMORE
v. : CIVIL ACTION NO. WMN-01-87
DEPUTY

JUDGE WILLIAM S. HORNE :
HARRY M. WALSH, ESQ.

MEMORANDUM

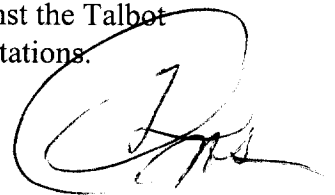
On January 90, 2002, Jack T. Fischbach, a resident of Easton, Maryland, paid the full \$150.00 filing fee and instituted a "Complaint for Deprivation of Civil Rights," captioned above. Mr. Fischbach complains that an improper ruling on the part of a Talbot County, Maryland Circuit Court judge led to dismissal of his lawsuit against his former attorney, Harry M. Walsh.¹ Plaintiff seeks money damages against the Circuit Court judge for alleged due process violations and also asserts state court claims of negligence and misrepresentation against Attorney Walsh.

Judicial officers are immune from liability for judicial acts unless done in the clear absence of all jurisdiction, even if those acts were erroneous or malicious and exceeded authority. *See Stump v. Sparkman*, 435 U.S. 349, 356 (1987); *Chu v. Griffith*, 771 F.2d 79 (4th Cir. 1985). If plaintiff believed Judge Horne's decision dismissing his malpractice claim against his former attorney was erroneous or improper, he had the option of seeking appeal. No denial of due process is apparent from the allegations contained in the complaint.

This Court will decline to exercise supplemental jurisdiction over the claims that the

It appears that Walsh represented plaintiff in a slip and fall case against the Talbot County Health Department. That action was dismissed as outside the statute of limitations.


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actions of Attorney Walsh constituted state torts.² See 28 U.S.C. §1367(c)(3); *United Mine Workers v. Gibbs*, 383 U. S. 715, 726 (1966).

Accordingly, a separate Order shall be entered dismissing the instant complaint, without requiring service of process upon and an answer from the named defendants.

1/14/02
(Date)


William M. Nickerson
United States District Judge

² In any event, these claims already were adjudicated in the Talbot County Circuit Court.